

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Thomas Neil

Case: 2:20-mj-30525

Assigned To : Unassigned

Assign. Date : 12/16/2020

Case No.

Description: USA V. THOMAS NEIL
(CMP)(MEV)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2020 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 USC § 2422(b)

18 USC § 2251

18 USC §§ 2252A(a)(2) and 2252A(a)(5)(B)

Coercion or enticement of a minor to engage in unlawful sexual activity

Sexual exploitation of children

Receipt and possession of child pornography

This criminal complaint is based on these facts:

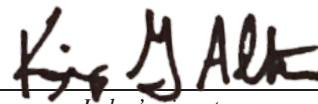
see attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Joseph T. Kunnumyalil, Special Agent (HSI)

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: December 16, 2020City and state: Detroit, Michigan

Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Joseph T. Kunnumyalil, being duly sworn, depose and state the following:

1. I am a Special Agent with the Department of Homeland Security (DHS) Homeland Security Investigations (HSI) in Detroit, Michigan. I have been employed as a Special Agent for DHS since 2003, and I am currently assigned to the Cyber Crimes Group. While employed as a Special Agent by HSI, I have assisted with investigations related to child exploitation and child pornography. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media.

2. I am submitting this affidavit because I believe that there is probable cause that Thomas Neil violated Title 18, United States Code, Section 2422(b) (Coercion or enticement of a minor to engage in unlawful sexual activity); Title 18, United States Code, Section 2251 - Sexual exploitation of children; and, Title 18, United States Code, Sections 2252A(a)(2) (receipt of child pornography) and 2252A(a)(5)(B) (possession of child pornography).

3. In July 2020, the Harford County, Maryland ICAC (The Internet Crimes Against Children Task Force) received a cybertip from a Maryland resident that alleged the resident's underage son provided multiple images that were sexual in nature to an Instagram User known as: SARAH61236. According to the Maryland resident, his son (MV1) is 13 years of age and has communicated in an inappropriate manner on Instagram as with Instagram user: SARAH61236.

4. On or around July 29, 2020, Maryland State Police served Facebook, Inc. a search warrant for contents related to the SARAH61236 Instagram account. A review of the contents within the SARAH61236 Instagram account revealed numerous images and videos of various minor boys that can be considered visual depictions of child pornography as defined by 18 USC § 2256. In addition to the images and videos of the minor boys mentioned above, the Maryland State Police Troopers observed multiple chat exchanges between MV1 and SARAH61236.

5. In October 2020, the Maryland State Police provided the HSI Detroit Office with the records obtained from the Facebook, Inc. search warrant mentioned above. A review of the contents of the SARAH61236

Instagram account revealed the following interactions between MV1 and SARAH61236:

Id 29400334354118954218230072616157184
Time 2020-07-03 16:55:18 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text How old are you now
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400334539877390339324151746002944
Time 2020-07-03 16:55:28 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text 13
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400337626282698243039122230870016
Time 2020-07-03 16:58:16 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Miss seeing you shirtless
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400338289644032735860199843168256
Time 2020-07-03 16:58:52 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text U can see other things when I get a shower♥
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400339227334812002023640934645760
Time 2020-07-03 16:59:43 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text How about your sexy tongue mabe shirtless for now
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400359439803294482389793087946752
Time 2020-07-03 17:17:58 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Getting in the shower
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400359665034885229146813985980416
Time 2020-07-03 17:18:11 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Ooo
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400359868180152402963241315074048
Time 2020-07-03 17:18:22 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can I see you strip mabe
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400360326519577107117197783728128
Time 2020-07-03 17:18:46 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Like how?
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

6. On July 3, 2020, shortly after the online exchange above, the underage Instagram User: MV1 provided Instagram User: SARAH61236 two images of himself in front of a mirror naked. Additionally, MV1 sent SARAH61236 a video where he removed all of his clothes and he appeared naked. Within the video his genitals were exposed, and the video contained a lascivious exhibition of his genitals.

7. After receiving the two additional images, SARAH61236 made the following request for more images:

Id 29400374848490386209608814682963968
Time 2020-07-03 17:31:54 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Like to see it soft b4 I make you hard
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400375014684094885662101111570432
Time 2020-07-03 17:32:03 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Ok
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

8. MV1 sent 2 additional images of his naked penis to SARAH61236. MV1 sent SARAH61236 an image of his penis in a flaccid state and an image of his penis erect. It appeared that MV1 was in a bathtub when the images were taken.

9. Later that same day, SARAH61236 encouraged MV1 to send SARAH61236 a video:

Id 29400717838222630978589203827261440
Time 2020-07-03 22:41:47 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text I need another bath, and my parents aren't home
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29400718233490516319161726722375680
Time 2020-07-03 22:42:09 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Got a sharpie or pen or someone long and round
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)

Id 29400726448785381095947948169101312
Time 2020-07-03 22:49:34 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text I found a pen
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

10. MV1 sent SARAH61236 multiple videos of about one minute in length where he inserted a writing instrument in his anus. After the videos were sent, SARAH61236 responded:

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Id 29400733758570586406408137119629312
Time 2020-07-03 22:56:10 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can i see you use the pen more mabe try going deeper and maybe jerk with it in
there
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

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11. MV1 sent an additional video to SARAH61236 where he inserted a writing instrument in his anus and masturbated per SARAH61236's request. SARAH61236 requested MV1 to continue to perform additional sexual acts.

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Id 29400762334804121314058102212919296
Time 2020-07-03 23:21:59 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can you try going deeper with the sharper mabe moan or talk dirty for me
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

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Id 29400762782112263934925230848344064
Time 2020-07-03 23:22:24 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Sure can u use a marker like I do?
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

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Id 29400763163074201184246006307356672
Time 2020-07-03 23:22:44 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text I have something bigger and more like a d
Author sarah61236 (37862262319)
Recipients **MV1** (12110227358)
sarah61236 (37862262319)

Id 29400763524723282832108419282894848
Time 2020-07-03 23:23:04 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Ok can u use that first before I send another pls
Author **MV1** (12110227358)
Recipients **MV1** (12110227358)
sarah61236 (37862262319)

Id 29400779087714271236159383231528960
Time 2020-07-03 23:37:07 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Try to put it in as deep as you can
Author sarah61236 (37862262319)
Recipients **MV1** (12110227358)
sarah61236 (37862262319)

Id 29400779287981735654012678251216896
Time 2020-07-03 23:37:18 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text And mabe jerk that big d
Author sarah61236 (37862262319)
Recipients **MV1** (12110227358)
sarah61236 (37862262319)

Id 29400779301308493676343775268438016
Time 2020-07-03 23:37:19 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text I did
Author **MV1** (12110227358)
Recipients **MV1** (12110227358)
sarah61236 (37862262319)

12. After the videos were sent, SARAH61236 requested more sexually explicit images from MV1.

Id 29401175931932332192388975792488448
Time 2020-07-04 05:35:40 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text What do you sleep in
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29401176207820858881353123155148800
Time 2020-07-04 05:35:55 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Boxers y
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29401185252141197698145654834987008
Time 2020-07-04 05:44:06 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can you take them off
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

13. MV1 sent SARAH61236 multiple images of his exposed penis with his boxer shorts lowered to expose his penis.

14. SARAH61236 made an additional request after MV1 sent him the images described above:

Id 29401195098351850022517746320801792
Time 2020-07-04 05:52:59 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can I see your cute butt
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29401196861329852195406183300857856
Time 2020-07-04 05:54:35 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Like lay on your stomach and show it
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

15. MV1 responded to SARAH61236's request by sending SARAH61236 an image of himself in bed with his boxer shorts lowered and his butt exposed.

16. On July 4, 2020, MV1 also sent SARAH61236 a picture of his erect penis while he was seated on a toilet. Additionally, MV1 sent SARAH61236 a video where it appeared he was seated on the same toilet and masturbating.

17. On July 7, 2020, SARAH61236 continued to ask for additional videos from MV1:

Time 2020-07-07 02:15:50 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can I see you show your butt more mabe spread your legs and play with it
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29405736632073270260772956260007936
Time 2020-07-07 02:16:17 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Can u pls send something now I've sent u so many vids it's ur turn
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29405738137619211252533642427105280
Time 2020-07-07 02:17:38 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Pls just one more
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

18. On July 7, 2020, SARA61236 made the following request to MV1:

Id 29405747879121514081767817843048448
Time 2020-07-07 02:26:26 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Ok pls make me wet
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29405747987172192242133020151119872
Time 2020-07-07 02:26:32 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Make me want that d in me
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

19. MV1 sent SARA61236 an image of his aroused penis. In the image it appeared MV1 was seated on a toilet.

20. On July 10, 2020, the conversation between SARAH61236 and MV1 continued:

Id 29410640926313052454643075655925760
Time 2020-07-10 04:07:19 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Ya can I see u
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29410641183535964451463107572662272
Time 2020-07-10 04:07:33 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text can you make me horny
Author sarah61236 (37862262319)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

Id 29410641330803553515563352267423744
Time 2020-07-10 04:07:41 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Ya
Author MV1 (12110227358)
Recipients MV1 (12110227358)
sarah61236 (37862262319)

21. On July 10, 2020, shortly after SARAH61236's request, MV1 sent an image of his penis under his boxer shorts.

22. A review of the contents of the records the Maryland State Police received from Instagram, Inc. revealed multiple videos of multiple seemingly underage boys performing sexual acts upon themselves such as sucking their own fingers, masturbating, and penetrating themselves with

writing instruments. For instance, one Instagram user (MV2) sent SARAH61236 multiple images of his exposed penis.

23. Another possible minor victim (MV3) of SARAH61236 sent SARAH61236 multiple images of his exposed penis. These images appear to have been taken by MV3 in a bedroom.

24. Additionally, another Instagram user (MV4) sent images of his penis to SARAH61236 and at least one video of himself inserting a writing instrument in his anus.

25. MV1 was under the impression that he was communicating and exchanging images and videos with a 14 year old girl. SARAH61236 represented herself to MV1 as an underage teenage girl as demonstrated below:

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Id 29401273122426756707878706356420608
Time 2020-07-04 07:03:29 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text How old are u
Author MV1 (12110227358)
Recipients MV1 (12110227358)
             sarah61236 (37862262319)

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Id 29401273173103891834846544780066816
Time 2020-07-04 07:03:32 UTC
Item Type text
Thread Id 340282366841710300949128149240676947421
Text Now?
Author MV1 (12110227358)
Recipients MV1 (12110227358)
             sarah61236 (37862262319)

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26. In August 2020, the Maryland State Police served a subpoena on NEIL's internet service provider, Wide Open West for records related to IP address: 67.149.97.126 associated with the Instagram account mentioned above. Many, if not all, of SARAH61236 Instagram sign-ins were associated with IP address: 67.149.97.126. Records obtained from Wide Open West revealed that the IP address is associated with the internet service registered to Thomas NEIL at an address in the Eastern District of Michigan. A State of Michigan Driver License image of NEIL reveal that NEIL is a 39 year old male.

27. On or around October 16, 2020, an HSI Detroit agent served a DHS Summons to Wide Open West for updated subscriber information related to IP address: 67.149.97.126. On November 12, 2020, a Wide Open West Subpoena Compliance Representative provided subscriber records for the IP address. According to records received from Wide Open West, the IP address is still associated with Thomas NEIL at an address in the Eastern District of Michigan.

28. December 11, 2020, I obtained a search warrant from the Eastern District of Michigan for NEIL's residence mentioned above. The search warrant authorized law enforcement officers to search NEIL's residence for evidence of violations of 18 USC § 2422(b) (Coercion or

enticement of a minor to engage in unlawful sexual activity), and 18 USC §§ 2251(a) and 2252A (Production, receipt, and possession of child pornography).

29. On December 16, 2020, HSI agents and I executed the search warrant at NEIL's residence. At approximately 8:55 AM, NEIL was read his Statement of Rights. NEIL waived his rights and consented to be interviewed by Special Agent Jason Smith and I. NEIL stated that he uses Facebook, Instagram, and MeWe social media platforms to communicate with family. During the course of the interview, Special Agent Smith asked if NEIL communicates with non-family members on Instagram. NEIL stated that he does so. S/A Smith also inquired if NEIL uses a false identity or a fictitious name on Instagram. NEIL stated that at times he may. Special Agent Smith questioned NEIL if he has ever received inappropriate images of young boys or underage boys and girls on his Instagram account. NEIL then declined to answer questions and requested to speak to an attorney. Per NEIL's request, we immediately ceased questioning NEIL.

30. During the course of the execution of the search warrant, agents discovered NEIL's mobile device and other electronic devices. A forensic review of NEIL's Samsung Galaxy S9 revealed the profile image and other images associated with SARAH61236.

31. Furthermore, a Gateway laptop was discovered during the search of NEIL's residence. A cursory forensic review of the contents found within the laptop revealed multiple videos of young boys masturbating. A video was also observed by the HSI Computer Forensics Agent and I that displayed a young male sucking his fingers similarly as the young men found within the contents of the SARA61236 Instagram account.

32. Additionally, one video was found where the young male filmed masturbating was clearly underage and would meet the definition of child pornography as defined by 18 USC § 2256.

33. In addition to the mobile device and the laptop mentioned above, HSI Detroit agents also seized the following: An HP laptop; a DVD+R; and an LG cellular phone. As of the date of this affidavit, these devices are in the process of a forensics review for images, videos, and other visual depictions of child pornography.

34. Based on the facts of the investigation detailed above in this Affidavit, coupled with my training and experience as an HSI Special Agent, I assert there is probable cause that Neil violated Title 18, United States Code, Section 2422(b) (Coercion or enticement of a minor to engage in unlawful sexual activity), Title 18, United States Code, Section 2251 (Sexual

exploitation of children); and Title 18, United States Code, Sections 2252A(a)(2) (receipt of child pornography) and 2252A(a)(5)(B) (possession of child pornography).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. T. Kunnummyalil", written over a horizontal line.

Joseph T. Kunnummyalil, Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn to via telephone,
after submission by reliable electronic means.
Fed.R.Crim.P 4.1 and 41(d)(3)

A handwritten signature in black ink, appearing to read "Kimberly G. Altman", written over a horizontal line.

HON. KIMBERLY G. ALTMAN
UNITED STATES MAGISTRATE JUDGE

Date: December 16, 2020